



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

SB2104

Introduced 2/20/2009, by Sen. Mattie Hunter

SYNOPSIS AS INTRODUCED:

30 ILCS 105/5.719 new
625 ILCS 5/11-1429
705 ILCS 105/27.5
705 ILCS 105/27.6

from Ch. 25, par. 27.5

Amends the Vehicle Code, State Finance Act, and Clerks of Courts Act. Increases the fine for an excessive idling violation from \$50 to \$250 for the first conviction and from \$150 to \$500 for a second or subsequent conviction within a 12 month period. Specifies how the fines collected shall be distributed and provides alternate distribution procedures for circuit clerks for excess idling violations. Creates the Trucking Environmental and Education Fund as a special fund in the State Treasury. Provides that all money deposited into the Trucking Environmental and Education Fund shall be paid, subject to appropriation by the General Assembly, to the Illinois Environmental Protection Agency for for the purpose of educating the trucking industry on air pollution and preventative measures specifically related to idling. Effective immediately.

LRB096 11411 AJT 21878 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning transportation.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The State Finance Act is amended by adding
5 Section 5.719 as follows:

6 (30 ILCS 105/5.719 new)

7 Sec. 5.719. The Trucking Environmental and Education Fund.

8 Section 10. The Illinois Vehicle Code is amended by
9 changing Section 11-1429 as follows:

10 (625 ILCS 5/11-1429)

11 Sec. 11-1429. Excessive idling.

12 (a) The purpose of this law is to protect public health and
13 the environment by reducing emissions while conserving fuel and
14 maintaining adequate rest and safety of all drivers of diesel
15 vehicles.

16 (b) As used in this Section, "affected areas" means the
17 counties of Cook, DuPage, Lake, Kane, McHenry, Will, Madison,
18 St. Clair, and Monroe and the townships of Aux Sable and Goose
19 Lake in Grundy County and the township of Oswego in Kendall
20 County.

21 (c) A person that operates a motor vehicle operating on

1 diesel fuel in an affected area may not cause or allow the
2 motor vehicle, when it is not in motion, to idle for more than
3 a total of 10 minutes within any 60 minute period, except under
4 the following circumstances:

5 (1) the motor vehicle has a Gross Vehicle Weight Rating
6 of less than 8,000 pounds;

7 (2) the motor vehicle idles while forced to remain
8 motionless because of on-highway traffic, an official
9 traffic control device or signal, or at the direction of a
10 law enforcement official;

11 (3) the motor vehicle idles when operating defrosters,
12 heaters, air conditioners, or other equipment solely to
13 prevent a safety or health emergency;

14 (4) a police, fire, ambulance, public safety, other
15 emergency or law enforcement motor vehicle, or any motor
16 vehicle used in an emergency capacity, idles while in an
17 emergency or training mode and not for the convenience of
18 the vehicle operator;

19 (5) the primary propulsion engine idles for
20 maintenance, servicing, repairing, or diagnostic purposes
21 if idling is necessary for such activity;

22 (6) a motor vehicle idles as part of a government
23 inspection to verify that all equipment is in good working
24 order, provided idling is required as part of the
25 inspection;

26 (7) when idling of the motor vehicle is required to

1 operate auxiliary equipment to accomplish the intended use
2 of the vehicle (such as loading, unloading, mixing, or
3 processing cargo; controlling cargo temperature;
4 construction operations; lumbering operations; oil or gas
5 well servicing; or farming operations), provided that this
6 exemption does not apply when the vehicle is idling solely
7 for cabin comfort or to operate non-essential equipment
8 such as air conditioning, heating, microwave ovens, or
9 televisions;

10 (8) an armored motor vehicle idles when a person
11 remains inside the vehicle to guard the contents, or while
12 the vehicle is being loaded or unloaded;

13 (9) a bus idles a maximum of 15 minutes in any 60
14 minute period to maintain passenger comfort while
15 non-driver passengers are on board;

16 (10) if the motor vehicle has a sleeping berth, when
17 the operator is occupying the vehicle during a rest or
18 sleep period and idling of the vehicle is required to
19 operate air conditioning or heating;

20 (11) when the motor vehicle idles due to mechanical
21 difficulties over which the operator has no control;

22 (12) the motor vehicle is used as airport ground
23 support equipment, including, but not limited to, motor
24 vehicles operated on the air side of the airport terminal
25 to service or supply aircraft;

26 (13) the motor vehicle is (i) a bus owned by a public

1 transit authority and (ii) being operated on a designated
2 bus route or on a street or highway between designated bus
3 routes for the provision of public transportation;

4 (14) the motor vehicle is an implement of husbandry
5 exempt from registration under subdivision A(2) of Section
6 3-402 of this Code;

7 (15) the motor vehicle is owned by an electric utility
8 and is operated for electricity generation or hydraulic
9 pressure to power equipment necessary in the restoration,
10 repair, modification or installation of electric utility
11 service; or

12 (16) the outdoor temperature is less than 32 degrees
13 Fahrenheit or greater than 80 degrees Fahrenheit.

14 (d) When the outdoor temperature is 32 degrees Fahrenheit
15 or higher and 80 degrees Fahrenheit or lower, a person who
16 operates a motor vehicle operating on diesel fuel in an
17 affected area may not cause or allow the motor vehicle to idle
18 for a period greater than 30 minutes in any 60 minute period
19 while waiting to weigh, load, or unload cargo or freight,
20 unless the vehicle is in a line of vehicles that regularly and
21 periodically moves forward.

22 (e) This Section does not prohibit the operation of an
23 auxiliary power unit or generator set as an alternative to
24 idling the main engine of a motor vehicle operating on diesel
25 fuel.

26 (f) This Section does not apply to the owner of a motor

1 vehicle rented or leased to another entity or person operating
2 the vehicle.

3 (g) Any person convicted of any violation of this Section
4 is guilty of a petty offense and shall be fined \$250 ~~\$50~~ for
5 the first conviction and \$500 ~~\$150~~ for a second or subsequent
6 conviction within any 12 month period.

7 (h) Fines; distribution. All fines and all penalties
8 collected under this Section shall be deposited in the State
9 Treasury and shall be distributed as follows: (i) \$50 for the
10 first conviction and \$150 for a second or subsequent conviction
11 within any 12 month period under this Section shall be
12 deposited into the State's General Revenue Fund; (ii) \$150 for
13 the first conviction and \$262.50 for a second or subsequent
14 conviction within any 12 month period under this Section shall
15 be distributed to the law enforcement agency that issued the
16 citation; and (iii) \$50 for the first conviction and \$87.50 for
17 a second or subsequent conviction within any 12 month period
18 under this Section shall be deposited into the Trucking
19 Environmental and Education Fund.

20 (i) The Trucking Environmental and Education Fund is
21 created as a special fund in the State Treasury. All money
22 deposited into the Trucking Environmental and Education Fund
23 shall be paid, subject to appropriation by the General
24 Assembly, to the Illinois Environmental Protection Agency for
25 for the purpose of educating the trucking industry on air
26 pollution and preventative measures specifically related to

1 idling. Any interest earned on deposits into the Fund shall
2 remain in the Fund and be used for the purposes set forth in
3 this subsection.

4 (Source: P.A. 94-845, eff. 7-1-06.)

5 Section 15. The Clerks of Courts Act is amended by changing
6 Sections 27.5 and 27.6 as follows:

7 (705 ILCS 105/27.5) (from Ch. 25, par. 27.5)

8 Sec. 27.5. (a) All fees, fines, costs, additional
9 penalties, bail balances assessed or forfeited, and any other
10 amount paid by a person to the circuit clerk that equals an
11 amount less than \$55, except restitution under Section 5-5-6 of
12 the Unified Code of Corrections, reimbursement for the costs of
13 an emergency response as provided under Section 11-501 of the
14 Illinois Vehicle Code, any fees collected for attending a
15 traffic safety program under paragraph (c) of Supreme Court
16 Rule 529, any fee collected on behalf of a State's Attorney
17 under Section 4-2002 of the Counties Code or a sheriff under
18 Section 4-5001 of the Counties Code, or any cost imposed under
19 Section 124A-5 of the Code of Criminal Procedure of 1963, for
20 convictions, orders of supervision, or any other disposition
21 for a violation of Chapters 3, 4, 6, 11, and 12 of the Illinois
22 Vehicle Code, or a similar provision of a local ordinance, and
23 any violation of the Child Passenger Protection Act, or a
24 similar provision of a local ordinance, and except as provided

1 in subsection (b) shall be disbursed within 60 days after
2 receipt by the circuit clerk as follows: 47% shall be disbursed
3 to the entity authorized by law to receive the fine imposed in
4 the case; 12% shall be disbursed to the State Treasurer; and
5 41% shall be disbursed to the county's general corporate fund.
6 Of the 12% disbursed to the State Treasurer, 1/6 shall be
7 deposited by the State Treasurer into the Violent Crime Victims
8 Assistance Fund, 1/2 shall be deposited into the Traffic and
9 Criminal Conviction Surcharge Fund, and 1/3 shall be deposited
10 into the Drivers Education Fund. For fiscal years 1992 and
11 1993, amounts deposited into the Violent Crime Victims
12 Assistance Fund, the Traffic and Criminal Conviction Surcharge
13 Fund, or the Drivers Education Fund shall not exceed 110% of
14 the amounts deposited into those funds in fiscal year 1991. Any
15 amount that exceeds the 110% limit shall be distributed as
16 follows: 50% shall be disbursed to the county's general
17 corporate fund and 50% shall be disbursed to the entity
18 authorized by law to receive the fine imposed in the case. Not
19 later than March 1 of each year the circuit clerk shall submit
20 a report of the amount of funds remitted to the State Treasurer
21 under this Section during the preceding year based upon
22 independent verification of fines and fees. All counties shall
23 be subject to this Section, except that counties with a
24 population under 2,000,000 may, by ordinance, elect not to be
25 subject to this Section. For offenses subject to this Section,
26 judges shall impose one total sum of money payable for

1 violations. The circuit clerk may add on no additional amounts
2 except for amounts that are required by Sections 27.3a and
3 27.3c of this Act, unless those amounts are specifically waived
4 by the judge. With respect to money collected by the circuit
5 clerk as a result of forfeiture of bail, ex parte judgment or
6 guilty plea pursuant to Supreme Court Rule 529, the circuit
7 clerk shall first deduct and pay amounts required by Sections
8 27.3a and 27.3c of this Act. This Section is a denial and
9 limitation of home rule powers and functions under subsection
10 (h) of Section 6 of Article VII of the Illinois Constitution.

11 (b) The following amounts must be remitted to the State
12 Treasurer for deposit into the Illinois Animal Abuse Fund:

13 (1) 50% of the amounts collected for felony offenses
14 under Sections 3, 3.01, 3.02, 3.03, 4, 4.01, 4.03, 4.04, 5,
15 5.01, 6, 7, 7.5, 7.15, and 16 of the Humane Care for
16 Animals Act and Section 26-5 of the Criminal Code of 1961;

17 (2) 20% of the amounts collected for Class A and Class
18 B misdemeanors under Sections 3, 3.01, 4, 4.01, 4.03, 4.04,
19 5, 5.01, 6, 7, 7.1, 7.5, 7.15, and 16 of the Humane Care
20 for Animals Act and Section 26-5 of the Criminal Code of
21 1961; and

22 (3) 50% of the amounts collected for Class C
23 misdemeanors under Sections 4.01 and 7.1 of the Humane Care
24 for Animals Act and Section 26-5 of the Criminal Code of
25 1961.

26 (c) Any person who receives a disposition of court

1 supervision for a violation of the Illinois Vehicle Code or a
2 similar provision of a local ordinance shall, in addition to
3 any other fines, fees, and court costs, pay an additional fee
4 of \$20, to be disbursed as provided in Section 16-104c of the
5 Illinois Vehicle Code. In addition to the fee of \$20, the
6 person shall also pay a fee of \$5, if not waived by the court.
7 If this \$5 fee is collected, \$4.50 of the fee shall be
8 deposited into the Circuit Court Clerk Operation and
9 Administrative Fund created by the Clerk of the Circuit Court
10 and 50 cents of the fee shall be deposited into the Prisoner
11 Review Board Vehicle and Equipment Fund in the State treasury.

12 (d) Any person convicted of or pleading guilty to a serious
13 traffic violation, as defined in Section 1-187.001 of the
14 Illinois Vehicle Code, shall pay an additional fee of \$20, to
15 be disbursed as provided in Section 16-104d of that Code.

16 This subsection (d) becomes inoperative 7 years after the
17 effective date of Public Act 95-154.

18 (e) For any conviction or disposition of court supervision
19 for a violation of Section 11-1429 of the Illinois Vehicle
20 Code, the circuit clerk shall distribute the fines paid by the
21 person as specified by subsection (h) of Section 11-1429 of the
22 Illinois Vehicle Code.

23 (Source: P.A. 94-1009, eff. 1-1-07; 95-154, eff. 10-13-07;
24 95-428, eff. 8-24-07; 95-876, eff. 8-21-08.)

1 Sec. 27.6. (a) All fees, fines, costs, additional
2 penalties, bail balances assessed or forfeited, and any other
3 amount paid by a person to the circuit clerk equalling an
4 amount of \$55 or more, except the fine imposed by Section
5 5-9-1.15 of the Unified Code of Corrections, the additional fee
6 required by subsections (b) and (c), restitution under Section
7 5-5-6 of the Unified Code of Corrections, reimbursement for the
8 costs of an emergency response as provided under Section 11-501
9 of the Illinois Vehicle Code, any fees collected for attending
10 a traffic safety program under paragraph (c) of Supreme Court
11 Rule 529, any fee collected on behalf of a State's Attorney
12 under Section 4-2002 of the Counties Code or a sheriff under
13 Section 4-5001 of the Counties Code, or any cost imposed under
14 Section 124A-5 of the Code of Criminal Procedure of 1963, for
15 convictions, orders of supervision, or any other disposition
16 for a violation of Chapters 3, 4, 6, 11, and 12 of the Illinois
17 Vehicle Code, or a similar provision of a local ordinance, and
18 any violation of the Child Passenger Protection Act, or a
19 similar provision of a local ordinance, and except as provided
20 in subsections (d) and (g) shall be disbursed within 60 days
21 after receipt by the circuit clerk as follows: 44.5% shall be
22 disbursed to the entity authorized by law to receive the fine
23 imposed in the case; 16.825% shall be disbursed to the State
24 Treasurer; and 38.675% shall be disbursed to the county's
25 general corporate fund. Of the 16.825% disbursed to the State
26 Treasurer, 2/17 shall be deposited by the State Treasurer into

1 the Violent Crime Victims Assistance Fund, 5.052/17 shall be
2 deposited into the Traffic and Criminal Conviction Surcharge
3 Fund, 3/17 shall be deposited into the Drivers Education Fund,
4 and 6.948/17 shall be deposited into the Trauma Center Fund. Of
5 the 6.948/17 deposited into the Trauma Center Fund from the
6 16.825% disbursed to the State Treasurer, 50% shall be
7 disbursed to the Department of Public Health and 50% shall be
8 disbursed to the Department of Healthcare and Family Services.
9 For fiscal year 1993, amounts deposited into the Violent Crime
10 Victims Assistance Fund, the Traffic and Criminal Conviction
11 Surcharge Fund, or the Drivers Education Fund shall not exceed
12 110% of the amounts deposited into those funds in fiscal year
13 1991. Any amount that exceeds the 110% limit shall be
14 distributed as follows: 50% shall be disbursed to the county's
15 general corporate fund and 50% shall be disbursed to the entity
16 authorized by law to receive the fine imposed in the case. Not
17 later than March 1 of each year the circuit clerk shall submit
18 a report of the amount of funds remitted to the State Treasurer
19 under this Section during the preceding year based upon
20 independent verification of fines and fees. All counties shall
21 be subject to this Section, except that counties with a
22 population under 2,000,000 may, by ordinance, elect not to be
23 subject to this Section. For offenses subject to this Section,
24 judges shall impose one total sum of money payable for
25 violations. The circuit clerk may add on no additional amounts
26 except for amounts that are required by Sections 27.3a and

1 27.3c of this Act, unless those amounts are specifically waived
2 by the judge. With respect to money collected by the circuit
3 clerk as a result of forfeiture of bail, ex parte judgment or
4 guilty plea pursuant to Supreme Court Rule 529, the circuit
5 clerk shall first deduct and pay amounts required by Sections
6 27.3a and 27.3c of this Act. This Section is a denial and
7 limitation of home rule powers and functions under subsection
8 (h) of Section 6 of Article VII of the Illinois Constitution.

9 (b) In addition to any other fines and court costs assessed
10 by the courts, any person convicted or receiving an order of
11 supervision for driving under the influence of alcohol or drugs
12 shall pay an additional fee of \$100 to the clerk of the circuit
13 court. This amount, less 2 1/2% that shall be used to defray
14 administrative costs incurred by the clerk, shall be remitted
15 by the clerk to the Treasurer within 60 days after receipt for
16 deposit into the Trauma Center Fund. This additional fee of
17 \$100 shall not be considered a part of the fine for purposes of
18 any reduction in the fine for time served either before or
19 after sentencing. Not later than March 1 of each year the
20 Circuit Clerk shall submit a report of the amount of funds
21 remitted to the State Treasurer under this subsection during
22 the preceding calendar year.

23 (b-1) In addition to any other fines and court costs
24 assessed by the courts, any person convicted or receiving an
25 order of supervision for driving under the influence of alcohol
26 or drugs shall pay an additional fee of \$5 to the clerk of the

1 circuit court. This amount, less 2 1/2% that shall be used to
2 defray administrative costs incurred by the clerk, shall be
3 remitted by the clerk to the Treasurer within 60 days after
4 receipt for deposit into the Spinal Cord Injury Paralysis Cure
5 Research Trust Fund. This additional fee of \$5 shall not be
6 considered a part of the fine for purposes of any reduction in
7 the fine for time served either before or after sentencing. Not
8 later than March 1 of each year the Circuit Clerk shall submit
9 a report of the amount of funds remitted to the State Treasurer
10 under this subsection during the preceding calendar year.

11 (c) In addition to any other fines and court costs assessed
12 by the courts, any person convicted for a violation of Sections
13 24-1.1, 24-1.2, or 24-1.5 of the Criminal Code of 1961 or a
14 person sentenced for a violation of the Cannabis Control Act,
15 the Illinois Controlled Substances Act, or the Methamphetamine
16 Control and Community Protection Act shall pay an additional
17 fee of \$100 to the clerk of the circuit court. This amount,
18 less 2 1/2% that shall be used to defray administrative costs
19 incurred by the clerk, shall be remitted by the clerk to the
20 Treasurer within 60 days after receipt for deposit into the
21 Trauma Center Fund. This additional fee of \$100 shall not be
22 considered a part of the fine for purposes of any reduction in
23 the fine for time served either before or after sentencing. Not
24 later than March 1 of each year the Circuit Clerk shall submit
25 a report of the amount of funds remitted to the State Treasurer
26 under this subsection during the preceding calendar year.

1 (c-1) In addition to any other fines and court costs
2 assessed by the courts, any person sentenced for a violation of
3 the Cannabis Control Act, the Illinois Controlled Substances
4 Act, or the Methamphetamine Control and Community Protection
5 Act shall pay an additional fee of \$5 to the clerk of the
6 circuit court. This amount, less 2 1/2% that shall be used to
7 defray administrative costs incurred by the clerk, shall be
8 remitted by the clerk to the Treasurer within 60 days after
9 receipt for deposit into the Spinal Cord Injury Paralysis Cure
10 Research Trust Fund. This additional fee of \$5 shall not be
11 considered a part of the fine for purposes of any reduction in
12 the fine for time served either before or after sentencing. Not
13 later than March 1 of each year the Circuit Clerk shall submit
14 a report of the amount of funds remitted to the State Treasurer
15 under this subsection during the preceding calendar year.

16 (d) The following amounts must be remitted to the State
17 Treasurer for deposit into the Illinois Animal Abuse Fund:

18 (1) 50% of the amounts collected for felony offenses
19 under Sections 3, 3.01, 3.02, 3.03, 4, 4.01, 4.03, 4.04, 5,
20 5.01, 6, 7, 7.5, 7.15, and 16 of the Humane Care for
21 Animals Act and Section 26-5 of the Criminal Code of 1961;

22 (2) 20% of the amounts collected for Class A and Class
23 B misdemeanors under Sections 3, 3.01, 4, 4.01, 4.03, 4.04,
24 5, 5.01, 6, 7, 7.1, 7.5, 7.15, and 16 of the Humane Care
25 for Animals Act and Section 26-5 of the Criminal Code of
26 1961; and

1 (3) 50% of the amounts collected for Class C
2 misdemeanors under Sections 4.01 and 7.1 of the Humane Care
3 for Animals Act and Section 26-5 of the Criminal Code of
4 1961.

5 (e) Any person who receives a disposition of court
6 supervision for a violation of the Illinois Vehicle Code or a
7 similar provision of a local ordinance shall, in addition to
8 any other fines, fees, and court costs, pay an additional fee
9 of \$20, to be disbursed as provided in Section 16-104c of the
10 Illinois Vehicle Code. In addition to the fee of \$20, the
11 person shall also pay a fee of \$5, if not waived by the court.
12 If this \$5 fee is collected, \$4.50 of the fee shall be
13 deposited into the Circuit Court Clerk Operation and
14 Administrative Fund created by the Clerk of the Circuit Court
15 and 50 cents of the fee shall be deposited into the Prisoner
16 Review Board Vehicle and Equipment Fund in the State treasury.

17 (f) This Section does not apply to the additional child
18 pornography fines assessed and collected under Section
19 5-9-1.14 of the Unified Code of Corrections.

20 (g) Of the amounts collected as fines under subsection (b)
21 of Section 3-712 of the Illinois Vehicle Code, 99% shall be
22 deposited into the Illinois Military Family Relief Fund and 1%
23 shall be deposited into the Circuit Court Clerk Operation and
24 Administrative Fund created by the Clerk of the Circuit Court
25 to be used to offset the costs incurred by the Circuit Court
26 Clerk in performing the additional duties required to collect

1 and disburse funds to entities of State and local government as
2 provided by law.

3 (h) For any conviction or disposition of court supervision
4 for a violation of Section 11-1429 of the Illinois Vehicle
5 Code, the circuit clerk shall distribute the fines paid by the
6 person as specified by subsection (h) of Section 11-1429 of the
7 Illinois Vehicle Code.

8 (Source: P.A. 94-556, eff. 9-11-05; 94-1009, eff. 1-1-07;
9 95-191, eff. 1-1-08; 95-291, eff. 1-1-08; 95-428, eff. 8-24-07;
10 95-600, eff. 6-1-08; 95-876, eff. 8-21-08.)

11 Section 99. Effective date. This Act takes effect upon
12 becoming law.